

House Bill 98 (AS PASSED HOUSE AND SENATE)

By: Representatives Heard of the 114th, McKillip of the 115th, and Smith of the 113th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act establishing the Unified Government of Athens-Clarke County, Georgia,
2 approved March 2, 1990 (Ga. L. 1990, p. 3560), as amended, particularly by an Act approved
3 April 20, 1992 (Ga. L. 1992, p. 6556), and an Act approved June 3, 2003 (Ga. L. 2003, p.
4 4250), so as to provide for membership on the Athens-Clarke County Industrial Development
5 Authority; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act establishing the Unified Government of Athens-Clarke County, Georgia, approved
9 March 2, 1990 (Ga. L. 1990, p. 3560), as amended, particularly by an Act approved April 20,
10 1992 (Ga. L. 1992, p. 6556), and an Act approved June 3, 2003 (Ga. L. 2003, p. 4250), is
11 amended by revising subsection (e) of Section 8-101 as follows:

12 "(e) The Athens-Clarke County Industrial Development Authority, created by a local
13 amendment to the Constitution (Ga. L. 1960, p. 1379) and continued in force and effect by
14 an Act approved March 27, 1985 (Ga. L. 1985, p. 4134), provides that the membership of
15 that Authority is composed of or appointed by governmental authorities which no longer
16 exist because of the unification of those authorities as the Unified Government of
17 Athens-Clarke County, Georgia, effected by this Act. Article XI, Section I, Paragraph IV
18 and Article X, Section I, Paragraph I of the Constitution prohibit the amendment of such
19 local constitutional amendments. Article IX, Section III, Paragraph II(a) of the
20 Constitution, however, grants the General Assembly the power in providing for local
21 government consolidation to 'provide by law for any matters necessary or convenient to
22 authorize the consolidation....' It is thus found by the General Assembly that the
23 consolidation which resulted in the Unified Government necessitates, and therefore
24 constitutionally authorizes, that the membership positions on the Athens-Clarke County
25 Industrial Development Authority be construed to mean the following:

- (1) The membership position on the Authority specified to be held by the Mayor of the City of Athens shall be construed to refer to the Mayor of the Unified Government;
- (2) The membership position on the Authority specified to be held by the Chairman of the Board of Commissioners of Roads and Revenue of Clarke County shall be construed to refer to a member of the Commission of the Unified Government who has been appointed to the Authority by such Commission;
- (3) The membership position on the Authority specified to be held by a person appointed by the Commissioners of Roads and Revenues of Clarke County shall be construed to refer to a person recommended by the Mayor of the Unified Government and appointed by the Commission of that government.
- (4) The membership position on the Authority specified to be held by a person appointed by the Mayor and Council of the City of Athens shall be construed to refer to a person appointed by the Commission of the Unified Government; and
- (5) The membership position on the Authority specified to be held by the President of the Athens Chamber of Commerce, Inc., shall be construed to refer to the Chairperson of the Board of the Athens Area Chamber of Commerce, Inc."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.